

REMARKS

I. Summary of the Office Action

Claims 108-119 were pending in this application. Of these claims, claims 115-119 are withdrawn as being directed to a non-elected species.

Claims 108-110, 112, and 114 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sideris U.S. Patent No. 5,433,727 (hereinafter "Sideris").

Claims 111 and 113 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sideris.

II. Summary of Applicants' Reply

Applicants have amended independent claim 108 to more particularly recite the present invention. Claims 143-150 have been added. The claim amendments and newly added claims are fully supported by the application as originally filed and therefore do not add new matter.

The rejections of applicants' claims are respectfully traversed.

III. Summary of Telephonic Interview

The undersigned, on behalf of the applicants, conducted a telephonic interview with the Examiner on July 26, 2007 and again on October 10, 2007. Discussed during the interview were the pending claims and the Sideris reference. The Examiner mentioned that an amendment similar to that presented herein would likely render the pending claims allowable.

Applicants would like to thank the Examiner for the courtesies extended during the interviews.

III. The Prior Art Rejections over Sideris

The Examiner rejected claims 108-110, 112, and 114 under 35 U.S.C. § 102 as being anticipated by Sideris. The Examiner also rejected claims 111 and 113 under 35 U.S.C. § 103(a) as being unpatentable over Sideris. See Office Action, pages 3-4. Applicants respectfully traverse the rejections and submit that none of applicants' pending claims are unpatentable over Sideris.

Sideris refers to a device for the occlusion of large heart defects. See Sideris, Abstract. As shown in FIG. 1, occluder 11 of a center button device 10 is connected to button loop 12. See Sideris FIGS. 1, 2, and 4; col. 4, ll. 20-23. The occluder is made of foam lining 16, and wire skeleton 18 is stitched into the lining in an "X" shape. See Sideris, col. 4, ll. 24-30. Counter-occluder wires 14 are sutured to wire skeleton 18. See Sideris, col. 4, ll. 43-50.

The Office Action contends that Sideris' wire skeleton 18 and counter-occluder wires 14 are two sets of fingers "capable of extending substantially radially outward" from a longitudinal axis and "spaced an axial distance apart," as recited by applicants' independent claim 108. See Office Action, p. 3. Applicants respectfully disagree.

As argued in the February 20, 2007 Reply to Office Action, Sideris' counter-occluder wires 14 (i.e., the first set of fingers) are connected to wire skeleton 18 (i.e., the second set of fingers). Therefore, they cannot be considered "unconnected . . . at the radially outward ends," as specified in applicants' amended independent claim 108. Moreover, the two sets of wires are not "spaced an axial distance apart" as also recited by applicants'

independent claim 108. In addition, counter-occluder wires 14 are not even "mounted on the medial portion" (i.e., button loop 12). Rather, counter-occluder wires 14 are connected to wire skeleton 18 and latex piece 28. See Sideris, col. 4, ll. 43-56.

Although applicants disagree with the Examiner's rejection in view of Sideris, applicants have amended independent claim 108 to recite that each set of fingers is formed from a unitary structure. Applicants have also amended independent claim 108 to clarify that the first set of fingers is unconnected to the second set of fingers at the radially outward ends of the fingers. Sideris is completely silent as to forming counter-occluder wires 14 and wire skeleton 18 from unitary structures. Moreover, as described above, counter-occluder wires 14 are sutured to wire skeleton 18. Therefore, even if these structures in Sideris could be considered two sets of fingers, they would be not be unconnected to each other at the radially outward ends, as recited by independent claim 108. As such, Sideris does not show or suggest applicants' independent claim 108.

According to applicants' specification, forming a set of fingers from a unitary structure is beneficial for many reasons. First, "[m]anufacture of the connector or plug structures . . . is greatly facilitated" (specification, ¶ 0056). Moreover, the fingers are "integral at all times, and there is no need to attempt to assemble the relatively small fingers." *Id.* Sideris does not show or suggest these features or advantages.

For at least the foregoing reasons, applicants submit that independent claim 108 is allowable over Sideris. Dependent claims 109-114, which contain all the limitations of independent claim 108, are allowable for at least the same reasons. Applicants respectfully request,

therefore, that the rejections of these claims be withdrawn.

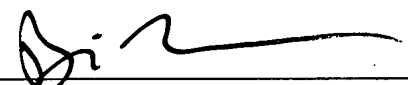
IV. New Claims 143-150

New claims 143-150 specify various configurations of the unitary structures from which the sets of fingers may be formed. A set of fingers may be formed from a hollow tube (claim 143) or a flat sheet (claim 146). In addition, the unitary structures may comprise various types of metals, thermoplastics, and other elastic materials. Claims 143-150 are allowable at least because they depend from allowable independent claim 108.

V. Conclusion

In view of the foregoing, claims 108-114 and 143-150 are allowable over the prior art of record. This application is therefore in condition for allowance. Reconsideration, rejoinder of withdrawn claims 115-119, and allowance are respectfully requested.

Respectfully submitted,



Brian E. Mack
Registration No. 57,189
Agent for Applicants
ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000